

**STATEMENT BY MARC H. BRODSKY, CEO AND EXECUTIVE
DIRECTOR OF THE AMERICAN INSTITUTE OF PHYSICS,
PUBLISHER OF *PHYSICS TODAY* MAGAZINE**

Dear _____,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time." To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

AIP supports the right of all employees to seek guidance from the U.S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....'"

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky
August 31, 2001